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Docket No-0263-4047

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Shuji SUMIDA et al.

Serial No.:

09/622,487

Group Art Unit:

1654

Examiner:

RUSSEL, Jeffrey

Filed:

August 17, 2000

For:

PROTEIN-FREE FORMULATIONS

**EXPRESS MAIL CERTIFICATE** 

Mail Stop \_\_\_\_\_ Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Express Mail Label No.: EV 245 501 413US

Date of Deposit: November 13, 2003

I hereby certify that the following attached paper(s) and/or fee

- 1. Information Disclosure Statement;
- 2. Form PTO-1449;
- 3. One cited reference;
- 4. Check of \$180.00;
- 5. Return postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Shen

(Typed or printed name of person mailing papers(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P. 345 Park Avenue New York, NY 10154-0053 (212) 758-4800 Telephone (212) 751-6849 Facsimile



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Serial No.:	09/622,487		野	8 2	Z
Filed:	August 17, 2000	Examiner:	RUSSEL, Jeffrey	2003	E
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## INFORMATION DISCLOSURE STATEMENT

PROTEIN-FREE FORMULATIONS

Mail Stop \_\_\_\_ Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

For:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching. For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed: For each of the following items listed on the enclosed copy of Form PTO-1449 that is 2. not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not 3. enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. \_\_\_\_\_, filed \_\_\_\_ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with: 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national 11/20/2003 EHAILE1 00000037 09622487 application other than a CPA; or

180.00 GP

Docket No. <u>0263-4047</u> Serial No. <u>09/622,487</u>

			37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
			37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
			37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5.		since in para Allow	e is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement t is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified agraph 4 above but before the mailing date of a final action or a Notice of ance (where there has been no prior final action), and is accompanied by one of tifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6.	$\boxtimes$	it is be paragr	is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since sing filed in compliance with 37 C.F.R. §1.97(c), after the period specified in aph 4 above but before the mailing date of a final action or a notice of since (where there has been no prior final action):
		$\boxtimes$	A check in the amount of \$180.00 is enclosed in payment of the fee.
			Charge the fee to Deposit Account No. <u>13-4500</u> , Order No A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7.		it is be action	is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since sing filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final or a notice of allowance, whichever comes first, but before payment of the issue id is accompanied by:
			ne of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 elow; and
			e fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 elow.
8.		This I	nformation Disclosure Statement is being filed in compliance with:
		a. 🗌	37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
		b	37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
		c. 🔲	The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11

## below.

9.		Statement was first cited in a communic	nation contained in this Information Disclosure cation from a foreign patent office in a re than three months prior to the filing of this		
		filed herewith was cited in a communic counterpart foreign application or, to m	y knowledge after making reasonable inquiry, d in §1.56(c) more than three months prior to		
10.		This document is accompanied by a cited in a corresponding PCT or	Search Report Communication which was Foreign counterpart application		
11.	$\boxtimes$	A check in the amount of \$180.00 is en C.F.R. §§1.17(h) and 1.17(p).	closed in payment of the fees due under 37		
		Charge the fees due under 37 C.F.R. §§ 13-4500, Order No A DUPLIC ATTACHED.	1.17(h) and 1.17(p) to Deposit Account No. CATE COPY OF THIS SHEET IS		
	X	required for this Information Disclosure	I to charge any additional fees which may be E Statement, or credit any overpayment to Io. 0263-4047. A DUPLICATE COPY OF		
			Respectfully submitted, MORGAN & FINNEGAN, L.L.P.		
Dat	ed: <u>N</u>	ovember 13, 2003 By:	Joseph D. Eng, Jr. Registration No. 54,084		
Cor	respoi	ndence Address:			
MC	RGA	ORGAN & FINNEGAN, L.L.P.			

345 Park Avenue New York, NY 10154-0053 (212) 758-4800 Telephone (212) 751-6849 Facsimile

below.

9.	I hereby certify that each item of informat Statement was first cited in a communicat counterpart foreign application not more t Information Disclosure Statement.	ion contained in this Information Disclosure ion from a foreign patent office in a han three months prior to the filing of this
	filed herewith was cited in a communicati	knowledge after making reasonable inquiry, n §1.56(c) more than three months prior to
10.	This document is accompanied by a Scited in a corresponding PCT or Fo	earch Report  Communication which was oreign counterpart application
11. 🔀	A check in the amount of \$180.00 is enclo C.F.R. §§1.17(h) and 1.17(p).	osed in payment of the fees due under 37
	Charge the fees due under 37 C.F.R. §§1. 13-4500, Order No A DUPLICA ATTACHED.	17(h) and 1.17(p) to Deposit Account No. TE COPY OF THIS SHEET IS
X	required for this Information Disclosure S	o charge any additional fees which may be Statement, or credit any overpayment to . 0263-4047. A DUPLICATE COPY OF
		espectfully submitted, IORGAN & FINNEGAN, L.L.P.
Dated: ]	November 13, 2003  By:  Jeta	oseph D. Eng, Jr. egistration No. 54,084
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